pp4.

UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/710,143	11/10/2000	Erin M. Bourke-Dunphy	MS160275.1	4603

27195 7590 06/02/2003

AMIN & TUROCY, LLP
24TH FLOOR, NATIONAL CITY CENTER
1900 EAST NINTH STREET
CLEVELAND, OH 44114

EXAMINER
TANG, KUO LIANG J

ART UNIT	PAPER NUMBER
2122	4

DATE MAILED: 06/02/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.	Applicant(s)
Office Action Summary	09/710,143	BOURKE-DUNPHY ET AL.
	Examiner	Art Unit
	Kuo-Liang J Tang	2122

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _10 November 2000_ .

2a)☐ This action is **FINAL.**   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _21_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-21_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____ .

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 1.19(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)	4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) ☐ Notice of Informal Patent Application (PTO-152)
3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _2-3_ .	6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-2, 5-9, 13-16, 19-21 are rejected under 35 U.S.C. 102(b) as being

anticipated by Amberg et al. (US Patent No. 5,963,743).

In regarding to claims 1,7-8, Amberg et al. teaches a setup component for

receiving information indicative of a location scenario relating to where the software

system is being installed,(See Fig. 1, item 140, Column 4, line 1-3; "computer

system...target system 160") configuration characteristics for the software system

being determined based on the location scenario(See Fig. 1, item 140, Column 4, line

5-10; "sequencing program ... conversion module 94" and See Fig. 2, item 192, Column

4, line 48-58; "Fig.2 is ... by the customer").

In regard to claim 15, Amberg et al. teaches a computer-readable medium having

computer-executable instructions for receiving data indicative of a location scenario

where a software system is to be installed; and configuring the software system based

on the location scenario. (See Fig. 2, Column 4, line 30-36; "Having sequenced ...

target system 160").

In regard to claims 2, 9 and 16, Amberg et al. teaches a plurality of available

components, the configuration characteristics further including default components

selected for installation from the plurality of available components based on the location

scenario. (See Fig. 1, Column 4, line 14-18; "the component descriptors ... target system 160").

In regard to claims 5, 13 and 21, Amberg et al. teaches including computer-executable instructions associated with the setup component for accessing stored system information and determining configuration characteristics associated with a location onto where the software system is being installed, the location scenario being determined based on the configuration characteristics. (See Column 1, line 61-65; "The diskette ... being purchased").

In regard to claims 6 and 14, Amberg et al. teaches a server system having a plurality of server components and the location scenario is selected from at least two scenarios including a central server scenario and a branch office server scenario. (See Fig. 2, item 100, Column 4, line 59-67, Column 5, line 1-5; "To sequence ... from database 100").

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 3-4, 10-12, 17-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Amberg et al. (US Patent No. 5,963,743) in view of Jones et al. (US Patent No. 5,666,501).

In regard to claims 3, 4 and 12, Amberg et al. teaches a setup component for receiving information indicative of a location scenario relating to where the software system is being installed. (See Fig. 1, item 140, Column 4, line 1-3; "computer system...target system 160") configuration characteristics for the software system being determined based on the location scenario, (See Fig. 1, item 140, Column 4, line 5-10; "sequencing program ... conversion module 94" and See Fig. 2, item 192, Column 4, line 48-58; "Fig.2 is ... by the customer") but Amberg et al. doesn't fairly suggest at least two location scenarios associated with installation of the software system, the location user interface component being operative to set the location scenario in response to receiving an associated user input. However, Jones et al. teaches a location user interface component (See Fig. 2, Column 3, line 16-21; "Fig. 2 illustrates ... local machine", and See Fig. 2, Column 3, line 29-37; "each bundle contains ... particular source object"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate a user interface, as suggested by Jones et al., to help in installing the software component in location-based scenarios system configuration. The modification would have been obvious because one of ordinary skill in the art would have been motivated to combine user interface in software installation and provide flexibility in software installation to the user.

In regard to claims 10 and 17 Amberg et al. teaches a plurality of available components, the configuration characteristics further including default components selected for installation from the plurality of available components based on the location scenario, (See Fig. 1, Column 4, line 14-18; "the component descriptors ... target system 160") but Amberg et al. doesn't fairly suggest a user interface which identifies the at least one default component. However, Jones et al. teaches a user interface (See Fig. 2, Column 4, line 25-28; "GUI could have a default selection ... he/she can access"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a user interface, as disclosed by Jones et al., for the purpose to form a user interface which identifies the at least one default component. The modification would have been obvious because one of ordinary skill in the art would

have been motivated to combine user interface to identify at least one default component in software installation.

In regard to claim 11, Amberg et al. teaches a plurality of available components, the configuration characteristics further including default components selected for installation from the plurality of available components based on the location scenario (See Fig. 1, Column 4, line 14-18; "the component descriptors ... target system 160"), but Amberg et al. doesn't fairly suggest a user interface component for selecting installation of the software. However, Jones et al. teaches a user interface component for selecting installation of the software. (See Fig. 2, Column 3, line 29-37; "each bundle contains ... particular source object"). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to use a user interface, as suggested by Jones et al., to install and control software component in selected location-based scenarios. The modification would have been obvious because one of ordinary skill in the art would have been motivated to provide a response to a user in selecting component in software installation.

In regard to claim 18, Amberg et al. teaches a computer-readable medium having computer-executable instructions for receiving data indicative of a location scenario where a software system is to be installed; and configuring the software system based on the location scenario, (See Fig. 2, Column 4, line 30-36; "Having sequenced ... target system 160") but Amberg et al. doesn't fairly suggest a user interface. However, Jones et al. teaches a location user interface component for selecting software installed based on user input via the user interface and controlling operating characteristics of at least some of the selected components as a function of the location scenario. (See Fig. 2, Column 3, line 59-64; "Display controls 245 allow ... all prerequisites are satisfied").

In regard to claim 19, Amberg et al. teaches a computer-readable medium having computer-executable instructions, (See Fig. 2, Column 4, line 30-36; "Having sequenced ... target system 160") but Amberg et al. doesn't fairly suggest user interface

component for presenting at least two location scenarios associated with installation of the software system, the location user interface component being operative to set the location scenario in response to receiving an associated user input. However, Jones et al. teaches a user interface (See Fig. 2, Column 3, line 21-26; "assuming the GUI ... a local directory").

In regard to claim 20, Amberg et al. teaches a server system having a plurality of server components and the location scenario is selected from at least two scenarios including a central server scenario and a branch office server scenario. (See Fig. 2, item 100, Column 4, line 59-67, Column 5, line 1-5; "To sequence ... from database 100").

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kuo-Liang J Tang whose telephone number is 703-305-4866. The examiner can normally be reached on M-F 8:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gregory Morse can be reached on 703-308-4789. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-3988 for regular communications and 703-305-3988 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or

proceeding should be directed to the receptionist whose telephone number is 703-305-

3900.

KLT / *KCT*
May 29, 2003

ANIL KHATRI
PRIMARY EXAMINER